

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	11-00190-01-CR-W-DW
DERONE COLEMAN,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on March 7, 2011. Defendant Derone Coleman appeared in person and with Assistant Federal Public Defender Travis Poindexter. The United States of America appeared by Assistant United States Attorneys Brent Venneman and Sydney Sanders .

I. BACKGROUND

On August 24, 2011, an indictment was returned charging defendant with conspiracy to distribute cocaine base, in violation of 21 U.S.C. § 846; five counts of distributing cocaine base, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C); one count of possession with intent to distribute cocaine base, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C); and one count of possessing a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c).

Defendant has a change of plea hearing set for March 12, 2012, on counts 2 through 7 (the substantive drug charges). The government intends to dismiss count 1 but count 8 (the firearms charge) remains in dispute.

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Venneman announced that he and Sydney Sanders will be the trial counsel for the government. The case agent to be seated at counsel table is Detective Don Stanze, Kansas City, Missouri, Police Department.

Mr. Poindexter announced that he will be the trial counsel for defendant Derone Coleman. Investigator Julie Eilers will be at counsel table.

III. OUTSTANDING MOTIONS

There is currently pending for ruling by the district judge a motion in limine filed by defendant on March 2, 2012 (document number 32). The motion seeks to exclude any reference to a 2002 conviction and any reference to firearms not charged in the indictment.

IV. TRIAL WITNESSES

Mr. Venneman announced that the government intends to call 12 witnesses without stipulations or 10 witnesses with stipulations during the trial.

Mr. Poindexter announced that defendant Derone Coleman intends to call 6 witnesses during the trial. The defendant may testify.

V. TRIAL EXHIBITS

Mr. Venneman announced that the government will offer approximately 52 exhibits in evidence during the trial.

Mr. Poindexter announced that defendant Derone Coleman will offer no exhibits in evidence during the trial.

VI. DEFENSES

Mr. Poindexter announced that defendant Derone Coleman will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Mr. Poindexter stated this case is definitely for trial.

VIII. STIPULATIONS

Stipulations are likely as to chemist's reports and firearms.

IX. TRIAL TIME

Counsel were in agreement that this case will take 2 days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed September 23, 2011, counsel for each party file and serve a list of exhibits he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by March 7, 2011;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, March 14, 2011;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions¹ by or before noon, Wednesday, March 14, 2011. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

¹Counsel in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the forthcoming trial letter, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn_shawver@mow.uscourts.gov and rhonda_enss@mow.uscourts.gov by Friday, March 16, 2011. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. **The instructions shall be listed in the order they are to be given.**

XI. UNUSUAL QUESTIONS OF LAW

No additional motions in limine are anticipated. There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on March 19, 2012.

/s/ Robert E. Larsen
ROBERT E. LARSEN
U. S. Magistrate Judge

Kansas City, Missouri
March 7, 2012

cc: Mr. Kevin Lyon